

Debo Adegbile: Democrats Join Republicans in “High-Tech Lynching” of African-American Nominee to the Justice Department

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Seven Democratic dwarves prefer [police state veto](#) to due process of law

When the United States Senate voted against the United States Constitution on March 5, 2014, the anti-constitutional majority included, as expected, all the Republican Senators voting, but also, more unexpectedly, seven principle-free Democrats.

The majority vote represents an affirmation of imaginary guilt by association, with deep racial overtones, in what amounted to a Senatorial lynching of an attorney who dared participate in the constitutionally-mandated legal defense of a pre-judged black man long since found guilty and still in prison after thirty years. These Senators were less persuaded the Supreme Court’s finding of a flawed trial than by the orchestrated baying by white vigilantes whose police state mentality allows no nuance when they want someone dead no matter what.

The [Senate vote](#) in question on March 5 was whether to end a Republican filibuster against President Obama’s nominee to serve as the United States Assistant Attorney General in charge of the Civil Rights Division of the U.S. Department of Justice – [attorney Debo Adegbile](#), 48, who is currently senior counsel for the [Senate Judiciary Committee](#). A native New Yorker, he was born Adebawale Patrick Akande Adegbile (his father Nigerian, his mother Irish) and raised by his single mother. As a child he was an actor on Sesame Street for nine years. He earned his law degree from [New York University](#) law school in 1994.

After seven years in private practice at the N.Y. law firm of [Paul, Weiss, Rifkind, & Garrison](#), Adegbile joined the [NAACP Legal Defense and Education Fund](#) where he was a respected litigator from 2001 to 2013. [He argued](#) his first [Supreme Court case](#) in 2009, defending the [Voting Rights](#) Act. His career path, without the major cases, is similar to that of the late Supreme Court Justice [Thurgood Marshall](#), but only up to this point.

[Republicans opposing](#) Adegbile are vehement, adamant, and dishonest in their opposition, rooted in [passion and prejudice](#). Their critique does not challenge Adegbile’s competence or qualifications to be in charge of the Civil Rights Division, which currently has an acting head. Arguing Adegbile’s nomination on its merits is not something Republicans even tried to do. Their “case” against Adegbile was an ugly, demagogic stew of partisanship, race baiting, and irrelevance worthy of the late Senator Joe McCarthy at his worst.

“I stand with the Fraternal Order of Police in opposition to Debo Adegbile.... we

all should agree that those who go out of their way to celebrate, to lionize, convicted cop killers are not suitable for major leadership roles at the Department of Justice. Under Adegbile's supervision, LDF lawyers fanned the flames of racial tension through rallies and protests and a media campaign all to portray [Mumia Abu-Jamal](#), an unrepentant cop killer, as a political prisoner."

- Republican Sen. Ted Cruz of Texas, on the Senate floor, March 4, 2014

In this brief statement, Cruz manages to:

1. Defend what amounts to a police lobby veto over presidential appointments to the Justice Dept;
2. Lie about Adegbile's activities (no evidence to support Cruz's smear);
3. Invent "lionization" of the man at the center of a case that is genuinely about due process and the death penalty, a case that has been found wanting by the Supreme Court;
4. Pretend that racial tensions have not been present in this case since the moment it started (the trial judge promised "I'm going to help them fry the nigger," and a higher judge found the comment not prejudicial);
5. Lie about Adegbile's "supervision," offering no evidence, using only a kind of "guilt" by association that also attacks free speech;
6. Reach final judgment on a case in which he has played no role, and in which both sides have arguable positions for which neither side has managed to provide ultimately definitive evidence;
7. Illustrate one of the ways Abu-Jamal is used as - and is, in fact - a political prisoner, whatever else he may be.

Cruz and other senators opposing Adegbile got many of their distorted talking points from the National [Fraternal Order of Police](#) (FOP), a Washington-based labor union and lobbying organization that claims membership of more than 330,000 police employees and whose motto is "Building on a Proud Tradition." (According to [FBI statistics](#), there are more than a million fulltime law enforcement employees in the U.S.) In a letter to the president dated [January 6, 2014](#), FOP president Chuck Canterbury expressed his organization's opposition to Adegbile with a rambling argument in which FOP's apparently real issue doesn't appeal until the fourth paragraph, which complains: "The Administration did not consult the FOP during the decision-making process for this nomination.... This nomination can be interpreted in only one way: it is a thumb in the eye of our nation's law enforcement officers."

More raw emotionalism of Canterbury's letter came earlier:

"As word of this nomination spreads through the law enforcement community, reactions range from anger to incredulity. Under this nominee's leadership, the Legal Defense Fund (LDF) of the National Association for the Advancement of Colored People volunteered their services to represent Wesley Cook, better known to the world as Mumia Abu-Jamal — our country's most notorious cop-killer. There is no disputing that Philadelphia Police Officer Daniel Faulkner was murdered by this thug. His just sentence - death - was undone by your

nominee and others like him who turned the justice system on its head with unfounded and unproven allegations of racism.”

As Canterbury is presumably well aware, Abu-Jamal remains in prison under a life sentence and his [death sentence](#) was undone by the Supreme Court under John Roberts (who has also done pro bono work for a man [who killed eight](#) people). But logic requires the FOP to falsify the facts in order justify their seemingly [race-based](#) and untenable argument: “We are aware of the tried and true shield behind which activists of Adegbile’s ilk are wont to hide – that everyone is entitled to a defense; but surely you would agree that a defense should not be based on falsely disparaging and savaging the good name and reputation of a lifeless police officer.”

This claim, unsupported by evidence and rooted in irrelevance (even if true in any respect), is essentially an attack on the U.S. Constitution’s Sixth Amendment – not an effort to eliminate completely the right of a defendant to have legal representation, but an effort to give others the power to decide which defendants shall have constitutional protection, and which shall not.

The [Sixth Amendment](#) does not allow for such intervention by hostile parties like an enraged and frustrated police union. The amendment says, in pertinent part:

“In all criminal prosecutions, the accused shall enjoy the right... to have the Assistance of Counsel for his defence.” In its own brief [statement of Goals](#), the FOP states: “We believe that Law is the safeguard to freedom, and it is our duty to defend it.” The effect of the FOP’s letter to the president is to carve out arbitrary exceptions to its stated “belief” and “duty” whenever [constitutional law](#) serves a defendant that the FOP just wants to kill. The FOP stands ready to defend the law only to the extent that the law does its bidding.

The FOP’s attack wasn’t intended to have integrity, logic, or supporting evidence. Its primary purpose was political, to block a non-white defender of civil rights whose record suggested he would be effective in the civil rights job at Justice. The shortest, quickest route to blocking Adegbile would be to panic enough Democrats to prevent the Senate from even voting on his nomination. Democrats, with a 54-46 vote advantage in a party line vote, could lose four members and still shut down the Republican filibuster against Adegbile (with Vice President Biden present to break a tie). The challenge for Republicans was to terrorize more than four Democrats into cutting and running. What better way to panic politicians than to scream, irrelevantly, “cop-killer” and imply that a vote for a qualified attorney was the same as supporting a hated black man? To Democrats’ shame, the deceitful race-baiting worked.

Quick to pick up on the FOP’s “thumb-in-the-eye” letter was the FOP in Philadelphia where the killing took place in 1981. Philadelphia in 1981 had been close to open race war for years, with Police Chief/Mayor [Frank Rizzo](#) often making matters worse with pre-emptive raids, a vicious cycle that culminated in the [Police bombing](#) of the MOVE house, killing eleven, including five children.

That’s context missed by the FOP tunnel vision: “It’s [Adegbile’s nomination] an absolute slap in the face to every police officer, especially those who gave their lives in the line of duty. There’s outrage, there’s resentment there’s disapproval- you name it and our cops are feeling it,” said the [Philadelphia FOP](#) president, adding that he’d be lobbying his senators on

the nomination, meaning Democrat Bob Casey, since Republican Pat Toomey was already in the bag (and [among the vigilantes](#)).

A few weeks later, [Bob Casey](#) abjectly caved to the pressure in a sadly craven [political statement](#), issued on a Friday (February 28):

“I believe that every person nominated by the President of the United States for a high level position such as Assistant Attorney General for Civil Rights should be given fair and thoughtful consideration as senators discharge their responsibility of ‘advise and consent’. I respect that our system of law ensures the right of all citizens to legal representation no matter how heinous the crime. At the same time, it is important that we ensure that Pennsylvanians and citizens across the country have full confidence in their public representatives – both elected and appointed. The vicious murder of Officer Faulkner in the line of duty and the events that followed in the 30 years since his death have left open wounds for Maureen Faulkner and her family as well as the City of Philadelphia. After carefully considering this nomination and having met with both Mr. Adegbile as well as the Fraternal Order of Police, I will not vote to confirm the nominee.”

Instead of “fair and thoughtful consideration,” Casey voted for a filibuster. Instead of respect for our system, this lawyer and Democrat voted for random application of the law, sometimes dictated by dishonest hate-brokers.

Casey was the first Democrat to collapse completely in the face of the emotional illogic of anti-constitutionalists. Casey, 54, a child of white privilege and a career politician, was first elected to the Senate in 2006. Even though he’s not up for re-election this year (not till 2018), he could not find the strength to stand for principle against a baying mob.

Public reaction was even harsher on [philly.com](#), where “Attytood” was able to distinguish between his own feeling about Abu-Jamal (“the guy murdered a cop in cold blood”) and the value of the Constitution: “Faced with the choice of voting for a good man or responding to the bullying tactics of the Fraternal Order of Police, Casey wilted. I don’t know why that’s a surprise. Spinelessness has been a trademark of Casey’s career.... What does Bob Casey stand for? Cowards tend to congregate, and so Casey’s chickenry encouraged six other feckless wonders – [Senators] Pryor, Walsh, Manchin, Heitkamp, Donnelly, and Coons (say it ain’t so, Chris) — to join in....”

Sen. [Mark Pryor](#) of Arkansas, 51, another son of white privilege and career politician, is running for a third term in the Senate. After two easy races in 2002 and 2008, he’s now considered one of the most vulnerable Democrats in 2014. His record has no well-known highlights. He has voted to keep prisoners in Guantanamo, to set up extra-constitutional military commissions, and to block background checks for gun purchases. Pryor [issued no statement](#) explaining his vote against his party’s president’s nominee and if he made any public comment, it remains obscure.

Sen. [John Walsh](#) of Montana, 54, was [appointed to the Senate](#) on March 9, 2014, having already announced his plan to run for the seat in the 2014 election. He’s not a career

politician, but as a retired National Guard general, he's presumably drawing both a pension and a salary from the government. Walsh's campaign website slogan is "[Montana courage](#)," but the site has no information about his vote against Adegbile, or much of anything else requiring courage. A [Montana newspaper](#) reported that: "Walsh said through a spokeswoman that he voted against Adegbile because the controversy over his appointment would 'follow him to the Justice Department and distract from the important work of defending civil and voting rights.' " A few days later, [Walsh was criticizing](#) his opponent in the Montana Senate race of having "a cruel ideology, a cowardly ideology."

Sen. [Joe Manchin III](#) of West Virginia, 67 and a former governor, was first elected in 2010 (a special election) and won a full term in 2012 with 60% of the vote. He is devoted to the coal interests of his state, supports the Keystone XL pipeline, and was named second most bi-partisan senator in 2011 by Congressional Quarterly. After voting against Adegbile, according to the [Washington Post](#), the usually chatty Manchin was tight-lipped with reporters, saying only, "I made a conscientious decision after talking to the wife of the victim, I made a conscientious decision, I made a conscientious decision" repeatedly. Manchin's [campaign website](#) offers an "editoial" written by the campaign claiming Manchin was "Right to Follow Conscience." The "editorial does not mention the Constitution.

Sen. [Heidi Heitkamp](#) of North Dakota, 59, an attorney and former state attorney general, was first elected to the Senate in 2012. A search for "Adegbile" on her [official webpage](#) turns up nothing. In an [email statement](#), Heitkamp explained her anti-constitutional vote with suitably craven illogic in support of the demagoguery that intimidated her, affirming the right of police state tactics to trump due process:

"Mr. Adegbile has had an impressive career advocating for civil rights. But, as a former Attorney General, I was very concerned about a nominee who would face such staunch opposition from law enforcement officers from day one, as that will only make it more difficult for the Civil Rights division at DOJ – a very important and needed group — to do its job. I agree with North Dakota law enforcement officers that the President would be better served by nominating another individual who is not so controversial."

The speciousness of this argument prompted [Ari Melber](#) of MSNBC to write Heitkamp an open letter calling her on the hypocrisy of her claiming to defend voting rights in a fundraising letter sent out after she has just undermined a strong defender of voting rights. His letter concludes, "President Obama called the vote a '[travesty](#).' And if this is the precedent you want to set – that no one who's defended 'controversial' clients can serve the public – then it's a travesty for all of us."

Sen. [Joe Donnelly](#) of Indiana, 59, an attorney, former Congressman, and child of white privilege, was elected to the Senate in 2012. His [official website](#) has no mention of "Adegbile," but touts a ranking that rates him slightly more conservative than liberal, neither of which explains a vote against constitutional principle by a lawyer. Appearing briefly on an [Indiana TV station](#), Donnelly followed the Heitkamp script to explain his vote against Adegbile: "In Sen. Donnelly's interview with Amos, Donnelly stressed that while he respected Adegbile's qualifications for the job, Donnelly was convinced that the controversy would 'undermine' Adegbile's 'ability to work with law enforcement officials', given the fierce opposition by police organizations, including the Fraternal Order of Police, to

Adegbile's involvement in the Abu-Jamal case." Or in other words, why defend a qualified non-white man from being hounded by police bigots who don't even tell the truth?

Sen. [Chris Coons](#) of Delaware, 51, a child of white privilege, has Yale graduate degrees in both divinity and law. A former county council president, Coons won the 2010 Senate special election against Christine O'Donnell. He is running for a full term in 2014. Coons initially came out in support of Adegbile, only to cave under pressure and make [this statement](#) after [flip-flopping](#) on his vote in favor of Adegbile in the Judiciary Committee: "At a time when the Civil Rights Division urgently needs better relations with the law enforcement community, I was troubled by the idea of voting for an Assistant Attorney General for Civil Rights who would face such visceral opposition from law enforcement on his first day on the job. The vote I cast today was one of the most difficult I have taken since joining the Senate, but I believe it to be right for the people I represent."

If, as Coons says, the "Civil Rights Division urgently needs better relations with the law enforcement community," why is that not a sign that the law enforcement community is having trouble enforcing the law? Coons's full statement, on his [official website](#), only makes his weakness look more pathetic:

"Last month, I voted in the Judiciary Committee to move his nomination to the Senate floor because I believed his nomination should be debated and considered by the full Senate. As a lawyer, I understand the importance of having legal advocates willing to fight for even the most despicable clients, and I embrace the proposition that an attorney is not responsible for the actions of their client.

"The decades-long public campaign by others, however, to elevate a heinous, cold-blooded killer to the status of a political prisoner and folk hero has caused tremendous pain to the widow of Philadelphia police officer Daniel Faulkner and shown great disrespect for law enforcement officers and families throughout our region. These factors have led me to cast a vote today that is more about listening to and respecting their concerns than about the innate qualifications of this nominee."

These seven Democratic dwarves agree on one thing: when a thuggish police-based minority dishonestly attacks democratic due process, it's the Constitution that should suffer. These people, like the rest of Congress, have sworn an oath to defend the Constitution, even against a [mob of cops](#) outraged by the courts denying them their lynching. They have enabled a cowardly tactic, but one that works: that the best way to avoid losing an argument is to prevent it from happening.

"Cop-killer" is a powerful epithet, rooted in an understandable outrage, but it is also a verbal barrier to any disinterested understanding of the underlying case, the 1981 murder of officer Daniel Faulkner, which is an undisputed fact. Also a fact, Mumia Abu-Jamal (born Wesley Cook) was convicted in 1982 of the murder. Another fact, usually omitted from summaries of the event, is that Abu-Jamal was also shot, in the lower abdomen, a wound that prevented him from fleeing the scene. This matters because none of the [eyewitness statements](#) describe the officer or anyone else firing any weapons, and no one says Abu-Jamal shot himself. That's only the beginning of the evidentiary strangeness of this case. It appears, from a brief review, that the jury verdict was supported by at least a preponderance of not very strong evidence, but perhaps not enough to meet the standard of beyond reasonable doubt. Unlike some cases of wrongful conviction, this one lacks any

credible alternative to the central conclusion reached by the jury, but there are enough contradictions, omissions, and procedural failures to make anyone wonder, with some humility, just what really happened.

With Abu-Jamal in prison for life, the appearance of justice has been met – except for those who will settle for nothing but the death penalty. But that is an emotional demand, not a legal or rational one. It is the reflexive, but unreflective emotional cry of pain from Faulkner's widow and his fellow officers, as expressed here in Maureen Faulkner's online petition on [change.org](https://www.change.org), with extreme bitterness: "In the three decades that followed [the murder], Abu-Jamal filed appeal after appeal – each rooted in lies, distortions and allegations of civil rights violations. Today, as Officer Faulkner lies in his grave, Abu-Jamal has become a wealthy celebrity and continues to spew his vitriol from prison."

This isn't argument, it's ad hominem attack. Although the consequences here do not include thousands of dead Iraqis and Americans, this is hysterical manipulation every bit as much as the scare-mongering of "a smoking gun in the form of a mushroom cloud." And yes, it is also a protected form of free speech. But it is not a reasonable basis for governing, especially when it stampedes a majority in the Senate. That majority has done a lynch mob's job metaphorically and the White House called them on it with startlingly mild language:

"The Senate's failure to confirm Debo Adebile to lead the Civil Rights Division at the Department of Justice is a travesty based on wildly unfair character attacks against a good and qualified public servant. Mr. Adebile's qualifications are impeccable. He represents the best of the legal profession, with wide-ranging experience, and the deep respect of those with whom he has worked. His unwavering dedication to protecting every American's civil and Constitutional rights under the law – including voting rights – could not be more important right now. And Mr. Adebile's personal story – rising from adversity to become someone who President Bush's Solicitor General referred to as one of the nation's most capable litigators – is a story that proves what America has been and can be.... The fact that his nomination was defeated solely based on his legal representation of a defendant runs contrary to a fundamental principle of our system of justice...."

That Senate majority – but especially those seven Democratic Senators – who voted against Adebile's nomination did much worse than merely deny advancement to a capable and principled lawyer without any cogent reason for doing so. Adebile may well be hurt, but he seems likely to survive this assault, which he has apparently suffered with a silent grace.

The seven timorous Democrats, in their collaboration with a nihilistic Republican strategy, has added to the damage from which American democracy will be a long time recovering, if it ever can.

These seven democrats represent profiles in no courage, running scared on a vote that should not have required any courage. These seven Democrats have colluded in a vote that reeks of racial bigotry –

- A vote that attacks due process of law –
- A vote that undermines vigorous enforcement of the Voting Rights Act –

- A vote that reinforces Republican efforts in recent years to prevent certain categories of Americans from voting ever –
- A vote that ignores relevance, logic, and facts –
- A vote that promotes filibuster as an acceptable evasion of public responsibility –
- A vote that punishes civility and allows the screeching of a hate mob to overwhelm reasoned debate –
- A vote that punishes an innocent man for serving the Constitution –
- A vote that punishes the Constitution for giving rights to all.

After these seven Democratic quislings had collaborated in stopping Adegbile’s nomination in its tracks, another Democrat switched his vote to join them. The eighth Democratic vote to sustain the filibuster was majority leader Harry Reid of Nevada who changed his vote for tactical reasons. Under Senate rules, only a Senator who has voted against the nomination is entitled to bring it the floor again, and that’s just one of many good deeds the other seven Democrats can’t be trusted to do.

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